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Attorneys for Defendant Invacare Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MATTHEW SOPIWNICK,

Plaintiff,

v.

INVACARE CORPORATION, an Ohio corporation, and PACIFIC COAST MEDICAL SUPPLY, INC., an Oregon corporation,

Defendants.

Case No.

NOTICE OF REMOVAL OF CIVIL ACTION

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendant Invacare Corporation (Invacare), hereby removes to this court the state court action described below:

1.

On August 7, 2012, an action was commenced in the Clatsop County Circuit Court, entitled *Matthew Sopiwnick v. Invacare Corporation et al.*, Case No. 12-2373. A copy of this action is attached as Exhibit A.

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2.

This is a civil action over which this court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one that may be removed to this court by Invacare pursuant to the provisions of 28 U.S.C. § 1441 and 28 U.S.C. § 1446 in that the citizenship and amount in controversy requirements are met.

3.

Plaintiff is a citizen of the State of Washington. Invacare is an Ohio corporation with its principle place of business in Ohio. Pacific Coast Medical Supply, Inc. (PCMS) is an inactive Oregon corporation with its principle place of business in Oregon. PCMS has not been served in the state court action, and thus, its citizenship does not defeat Invacare's removal under 28 U.S.C. § 1441(b)(2).

4.

Invacare was served in this matter on August 22, 2012, making removal timely.

5.

PCMS has not been served in the state court action, and thus, its consent to removal is not required.

6.

Attached as Exhibit B is a copy of all process, pleadings, and orders served upon Invacare not otherwise marked as an exhibit above.

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7.

Invacare has contemporaneously served the appropriate notices on plaintiff and the Clatsop County Circuit Court.

DATED this 12th day of September, 2012.

COSGRAVE VERGEER KESTER LLP

/s/ Walter H. Sweek

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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing

NOTICE OF REMOVAL OF CIVIL ACTION

 the date indicated below by:

- mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- hand delivery,
- facsimile transmission,
- overnight delivery,
- electronic filing notification.

If served by facsimile transmission, attached to this certificate is the printed confirmation of receipt of the document(s) generated by the transmitting machine. I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney(s) at the address(es) listed below:

Glen McClendon
Lindsay Hart Neil & Weigler LLP
1300 SW 5th Ave., Suite 3400
Portland, OR 97201
Of Attorneys for Plaintiff

DATED: September 12, 2012.

/s/ Walter H. Sweek
Walter H. Sweek